

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1662.00
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	December 6, 2000
DATE OF REPORT:	January 2, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	January 31, 2001

COMPLAINT ISSUES:

Whether the Whiting School City and the East Chicago City Schools violated:

- 511 IAC 7-25-4(b) with regard to the school's alleged failure to conduct an educational evaluation and convene a case conference committee within 60 instructional days from the date written parental consent was provided.

FINDINGS OF FACT:

1. The Student is 16 years old and is eligible for special education and related services as a student with an Other Health Impairment.
2. The parent requested an initial educational evaluation on March 11, 1996. The Student was evaluated and the case conference committee (CCC) determined the Student to be ineligible for special education on May 28, 1996. Forty instructional days from March 11, 1996 was May 31, 1996.
3. On August 24, 2000, the school received the parent's written permission for an initial educational evaluation to be conducted. Sixty instructional days from August 24, 2000 was November 27, 2000.
4. The evaluation was conducted on December 13, 2000, and the case conference committee (CCC) convened on December 18, 2000.
5. The local director of special education acknowledges that the evaluation and CCC meeting were not completed within the 60 instructional day timeline. The director states that this oversight was due to a misunderstanding about the school's responsibility to serve students with disabilities who are not currently enrolled in public school.

CONCLUSION:

Finding of Fact #2 indicates that an initial educational evaluation, requested in March 1996, was conducted within the requisite timelines. However, Findings of Fact #3 through #5 reflect that more than 60 instructional days elapsed between the parent's written consent for a subsequent initial educational evaluation in August 2000 and conducting the evaluation and convening the CCC. Therefore, a violation of 511 IAC 7-25-4(b) occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusion listed above.

CORRECTIVE ACTION:

The Whiting School City and the East Chicago City Schools shall:

1. Inservice appropriate staff on:
 - a. the 60 instructional day timeline for completing an initial educational evaluation and convening a CCC; and
 - b. the school's responsibility to locate, identify, and evaluate all students, up to age 22, who have legal settlement within the jurisdiction of the school corporation and who may be in need of special education and related services, including students in private school, agencies, and institutions.Submit to the Division a copy of the inservice agenda, any handouts used, and a list of attendees by name and title **no later than February 9, 2001.**
2. Submit an assurance statement that no pending initial educational evaluations have exceeded the 60 instructional day timeline and that all will be completed within the requisite timeline. The assurance statement shall be submitted to the Division **no later than January 31, 2001.**